

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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In re: BERNARD L. MADOFF INVESTMENT
SECURITIES LLC,

Debtor.

20-CV-1029 (JMF)

ORDER

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IRVING H. PICARD, *Trustee for the Liquidation of
Bernard L. Madoff Investment Securities LLC, and
Bernard L. Madoff,*

Plaintiff,

-v-

RAR ENTREPRENEURIAL FUND, LTD.,

Defendant.
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JESSE M. FURMAN, United States District Judge:

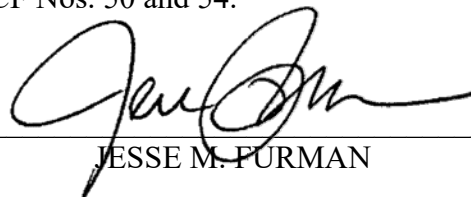
Upon review of the submissions from the parties and Intervenor Securities Investor Protection Corporation (“SIPC”) and exercising the Court’s “broad discretion” in such matters, *Morgan Art Found. Ltd. v. McKenzie*, No. 18-CV-4438 (AT), 2019 WL 2725625, at *2 (S.D.N.Y. July 1, 2019) (internal quotation marks omitted), Plaintiff’s and the SIPC’s motions to stay this case pending the Second Circuit’s decision in *JABA Associates LP v. Picard (In re Bernard L. Madoff Investment Securities LLC)*, No. 21-872, are DENIED. All dates and deadlines remain in effect.

Defendant’s letter references an intent to “make a formal motion to exclude [certain] experts’ testimony at the proper time.” ECF No. 55, at 3. Under Rule 3(I) of the Court’s Individual Rules and Practices in Civil Cases, “[u]nless the Court order otherwise, motions to exclude testimony of experts . . . must be made by the deadline for dispositive motions and should not be treated as motions *in limine*.” Here, the parties proposed, ECF No. 5, and the Court adopted, ECF No. 7, a summary judgment motion briefing schedule without reference to any motions to exclude expert testimony. The parties shall promptly confer with one another, and, no later than **May 25, 2021**, file a joint letter addressing whether either or both parties should be permitted to make a motion to exclude expert testimony and, if so, proposing a briefing schedule.

The Clerk of Court is directed to terminate ECF Nos. 50 and 54.

SO ORDERED.

Dated: May 21, 2021
New York, New York


JESSE M. FURMAN

United States District Judge